

REMARKS

Claims 1-36 were pending prior to this amendment. Claims 1-36 stand rejected. Claims 1, 2-8, 10-13 and 28-31 have been amended. Claims 9, 14-18 and 32-36 have been cancelled. New claims 37-40 have been added. At least in light of the above amendments and the foregoing remarks, reconsideration and allowance of the claims is respectfully requested.

Claim Rejections – 35 U.S.C. § 103

Claims 1-36 have been rejected under 35 U.S.C. § 103(a) on the basis of being unpatentable over U.S. Patent No. 6,356,909 (Spencer), in view of U.S. Patent No. 6,356,903 (Baxter), and in further view of U.S. Patent No. 5,541,840 (Gurne).

Claim 1 has been amended. Applicant claims an apparatus operable to display one or more interactive dynamic document web pages. The interactive dynamic document web pages are configured to allow a user to select a document from a plurality of stored documents. After the selected document is displayed on the interactive dynamic document web pages, the user is allowed to control removal of default sections included in the displayed document and manipulate a sequence used to order the default sections. *See* the exemplary web pages included in the present specification on FIGS. 5-8B. This feature provides many benefits, including allowing the user to bypass a fixed format and generate a customized display of the selected document that only shows preferred sections displayed in an order chosen by the user. *See* the present specification, page 4, lines 13-18.

Spencer discloses a system for automating generation of Request For Proposal (RFP) forms. *See* abstract. For ease of analysis, the generated RFPs include a common format. *See* col. 3, lines 8-13. Persons viewing these generated RFPs will be presented with all sections included in a sequence predefined by the common format. There is no document builder window for allowing a user to control removal of ones of the default sections from the displayed document and to manipulate an ordering within the displayed document for one of the default sections.

Baxter discloses a system for automating generation of web pages. *See* abstract. Referring to FIG. 2, the assembly procedure 70 pulls ... format components from the central repository 60 when generating web pages. *See* col. 6, lines 5-11. The central repository 60 stores the format components to maintain consistency in how the web pages are presented to

users. There is no document builder window for allowing a user to control removal of ones of the default sections from the displayed document and to manipulate an ordering within the displayed document for one of the default sections, which produces a customized view of a selected document.

Gurne discloses a hand held diagnostic service tool 10 for monitoring an automobile 12. *See* abstract and FIG. 1. Gurne is a non-analogous art that cannot be combined with Spencer to teach the limitations of claim 1. The MPEP states that in order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either 1) be in the field of applicant's endeavor or, 2) if not, then be reasonably pertinent to the particular problem with which the inventor was concerned. *See* MPEP 2141.01(a) citing *In re Oetiker*, 24 USPQ2d 1443. Further the Federal Circuit held in *In re Clay* that “a reference is reasonably pertinent if, even though it may be in a different field from that of the inventor’s endeavor, it is one which, because of the matter with which it deals, **logically** would have commended itself to an inventor’s attention in considering his problem.” (emphasis added)

The field of diagnosing failures in automobiles is not the same field as building documents using a website. *See* the present specification page 1, lines 1-9. Thus, the only way for Gurne to be proper analogous art is if an inventor would have logically looked to it because of its nature in solving his problem. Here, some of the objects of the present invention are to provide a method of publishing and distributing documents on a website in such a manner that the entire document does not need to be published. *See* the present specification, page 5, lines 21-25 and page 6, lines 1-7. In contrast, Gurne is directed at a scan tool that allows service personnel and automobile manufacturers to accurately and promptly diagnose problems with automobiles. *See* Gurne col. 1, 58-60 and col. 2, lines 15-17. Thus, an inventor would not logically or even reasonably look to Gurne in an attempt to provide a method of publishing and distribution documents on a website in such a manner that the entire document does not need to be published because Gurne is more concerned about configuring a scan tool that allows service personnel and automobile manufacturers to accurately and promptly diagnose problems with automobiles. Accordingly, the MPEP not permit the use of Gurne in an obviousness rejection of claim 1.

Even if the MPEP did permit the use of Gurne in an obviousness rejection of claim 1 (which it does not), the motivation provided to modify Spencer with Gurne is not sufficient to

provide a *prima facie* case of obviousness. In particular, Spencer is not concerned with allowing a user to manually select between different templates but rather with automating the entire process for creating Request For Proposal (RFP) forms in a common and homogenous environment. *See* col. 3, lines 1-5. Since varied templates obfuscate analysis, the RFP forms should share a standard format so that they can be easily analyzed. Allowing a user to interrupt an automated process to manually select between different templates destroys the principal operation of Spencer, which is to both keep the system automated and produce a homogenized, standard format of RFP forms that can be quickly analyzed. *See* MPEP 2143.01 paragraphs V and VI.

Even if the Office rules did permit reliance on *Gurne* in an obviousness rejection (which they do not), and even if the motivation provided by the Office Action were sufficient to provide a *prima facie* case of obviousness (which it is not), *Gurne* does not disclose a document builder window for allowing a user to control removal of ones of the default sections from the displayed document and to manipulate an ordering within the displayed document for one of the default sections, which produces a customized view of a selected document.

In contrast, claim 1 includes the feature of an apparatus to display a document builder window for allowing a user to control removal of ones of the default sections from the displayed document and to manipulate an ordering within the displayed document for one of the default sections. This feature allows a user to bypass a fixed format of a published document and generate a customized display that only shows preferred sections displayed in an order chosen by the user. Thus, claim 1 should be allowed. Claims 2-8, 10 are dependent and should also be allowed.

No amendments have been made to claim 19. The Office rules do not permit reliance on *Gurne* for the reasons explained with reference to the rejection of claim 1. Furthermore, as previously explained with respect to claim 1, even if the Office rules did permit reliance on *Gurne* (which they do not), the proposed modification to Spencer of manually selecting templates from a list would destroy the principal operation of the automated RFP form generation system of Spencer. Thus, claim 19 should be allowed. Claims 20-27 are dependent and should also be allowed.

///

///

CONCLUSION

For the foregoing reasons, reconsideration and allowance of all pending claims is requested. The Examiner is encouraged to telephone the undersigned at 503-222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.



Michael A. Cofield
Reg. No. 54,630

MARGER JOHNSON & McCOLLOM, P.C.
210 SW Morrison Street, Suite 400
Portland, OR 97204
503-222-3613
Customer No. 20575